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March 31, 2016

BY ECF
Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Rashaun Hopkins v. The City of New York, et al., 15 CV 8113 (PGG)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to represent the City of New York and Police Officer Scott Williams in the above-referenced matter.[1] The parties by their attorneys hereby submit this joint letter in anticipation of the initial conference scheduled for April 7, 2016 at 10:00 a.m.[2]

I. Brief Description of the Case:

A. Plaintiff's statement of the case

NYPD Officers approached Mr. Hopkins, threw him against a wall and began asking him to tell them where the "guns" or "drugs" were. Meanwhile they also started going into his pockets, pulled out an alka-seltzer and arrested him for drug possession. While there may have been an open warrant for Mr. Hopkins, it didn't stop the police from continuing to falsify information to the ADA by stating the alka-seltzer was drugs. Mr. Hopkins spent time in custody based on these false allegations. On July 30, 2015 all charges were dismissed.

[1] This case is being handled by Assistant Corporation Counsel Fayola Alibey, whose bar admission in New York is pending and who is not yet admitted in the Southern District. Ms. Alibey is handling this matter under supervision and can be reached at (212) 356-2334.

[2] On February 24, 2016 the Court scheduled the initial conference after the parties requested to be removed from Local Rule 83.10 (formerly the "§ 1983 Plan"). (See Docket Entry No. 14)

B. Defendants' statement of the case

On June 16, 2015, Officer Williams approached plaintiff in front of a nightclub called the Dream Hotel located at 16th Street and Ninth Avenue. Officer Williams had noticed that plaintiff was walking and talking to various groups of people outside the club; however, plaintiff was not dressed as if he was going to the club and he never went inside of the club. This activity was suspicious as such activity during the summer of 2015 usually coincided with either selling drugs or tricking clubgoers into buying fake narcotics.

Officer Williams talked to plaintiff and inquired as to his name and purpose in the area. Plaintiff told Officer Williams that as his birthday was coming up, he was attempting to recruit women to attend his birthday party. However, plaintiff for most of the night was mostly seen talking to males and any group of club-goers who was willing talk with him.

Thereafter, Officer Williams went to the precinct and ran plaintiff's name through an NYPD database, which showed two outstanding warrants for plaintiff: one for possession and sale of a controlled substance and the other for jumping a turnstile. Both warrants were issued in February of 2015. Officer Williams and his partner, Officer Sinan Cagirici, went back to the club, and saw plaintiff walking on West 14th Street. Based on the outstanding warrants, Officer Williams arrested plaintiff.

During the search incident to the arrest, Officer Williams found a tin foil package that was packaged to resemble cocaine. As Officer Williams was not qualified to do field tests, he sent the tin foil package to the lab to be tested. Plaintiff was thereafter charged with possession of a controlled substance in the seventh degree, and bail jumping in the second and third degree. Upon information and belief, the District Attorney dismissed the case on July 30, 2015 because the contents in the foil package could not be verified as narcotics.

II. Contemplated motions

Defendants anticipate moving for summary judgment at the close of discovery based on the arrest warrants.

III. Prospects for settlements

The parties jointly withdrew from the mediation program as required by Local Rule 83.10, as defendants have decided to take a "No-Pay" position in this case.

Thank you for your consideration herein.

Very truly yours,

/s/________________________________
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